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Environmental Impact Statement
for Remanded Biological Opinions
on the Coordinated Long-Term Operation
of the Central Valley Project
and State Water Project

Thursday, May 3, 2012
Yuba County Government Center
915 Eighth Street
Marysville, California
6:00 P.M.

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Reported By: Jillian M. Bassett, CSR No. 13619

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PUBLIC COMMENT SESSION

TRICIA BRATCHER: I have a question. So the BO also address some of the state water project elements, so how does that get integrated into this?

SUE FRY: We like to call it long-term ops. And it is on the coordinated operation of the State Water Project and the Central Valley Project. So we would be working with DWR as we go through this process to incorporate those State Water Project operations in with what we're analyzing here. Because we can't separate them because without one you don't have the other. So we'll be looking at that in this EIS.

TRICIA BRATCHER: So it's not an EIS/EIR?

SUE FRY: It is not at this time. DWR could decide they want to partner up with us, but they don't have a mandate to do that. We were mandated by the judge to complete NEPA. DWR have no requirement to do that. If they wanted to they could, but I don't think they want to.

Now if Fish and Game wants to step up, I'm sure you could.

JEFF SUTTON: Does this involve the cooperative operating agreement as well?

SUE FRY: Coordinating.

JEFF SUTTON: Coordinating. Too many acronyms.

1 SUE FRY: That's a really good question. We're
2 just starting this process. I know what to answer. We're
3 just starting this process, and I think we need to figure
4 out how the co-op is going to play into what we do here.
5 Certainly in the long term -- I think longer term when all
6 this stuff would force something more, but I'm not sure in
7 what we're doing here with the remand, because we're still
8 staying within -- well, I don't know for sure, but there's
9 a historic operating range. And personally I don't see
10 huge changes coming that would force a change to co-op as
11 far as what we're doing here in remands.

12 GWEN BUCHHOLZ: But it would depend on the
13 alternatives, too.

14 SUE FRY: Good point. And what we don't know yet
15 is what alternatives may be sent in to us for scoping, and
16 by doing more additional workshops as to what we might
17 have.

18 JEFF SUTTON: I guess one comment just on that
19 subject I would have --

20 SUE FRY: Do you want to put it on the record?

21 JEFF SUTTON: Jeff Sutton, Canal Authority
22 General Manager. Just with the co-op, I think it's
23 important the State Water Project carries water, so to
24 speak, and that the CVP certainly carries the ball in a
25 lot of years, and under -- where it sounds like we're not

1 starting until 2016 with the existing biological until we
2 end up in court again. And the impacts we felt
3 CVP -- that becomes a big deal in the years past to where
4 you can probably do it without feeling any pain. But
5 that's not the case in this city, so --

6 I guess I'll just keep going on comments. I got
7 a couple of them.

8 Obviously we're looking at NEPA now. I spent
9 some time in the judge's courtroom in 2008 when Red Bluff
10 was one of the topics of interim remedies that took
11 up -- what was supposed to be a three-day hearing, turned
12 into a six-week minitrial. And under that ESA evaluation,
13 economics is inadmissible evidence -- public safety,
14 that's not the case in NEPA; correct?

15 SUE FRY: Correct.

16 JEFF SUTTON: And so obviously the RPAs as they
17 exist in current biological opinions have dramatic impacts
18 associated with reduction in water supply. And through
19 our service area and analyzing the benefits of the
20 Red Bluff Fish Project Water Supply reliability -- I
21 should say diversion reliability, this impact would be
22 from not having water supply. It was estimated about a
23 billion dollars to a regional economy of 150,000
24 acre-service area. Sixteen thousand jobs associated to
25 the lands were the loss of that. And the socioeconomic

1 impacts that would be felt if the water was removed as a
2 result of the implementation of RPAs, that would reduce
3 the water supply. So that's one comment.

4 Also if you remove that water supply the surface
5 water supply folks are going to move to ground water. And
6 with that you have a variety of impacts; overdraft,
7 environmental impacts to creeks and subsidence and impacts
8 that go along with the overdraft law. That's something
9 that will impact other water users as well. And then have
10 the ground water work themselves as well. So you'll see
11 again those impacts and would also cause environmental and
12 economic impacts on top of that.

13 The environmental impacts of surface water you
14 would have water in drains, impact the specific flyway
15 impacts, impacts the terrestrial species, aquatic species
16 by not being able to apply that surface water in the way
17 we've seen the projects historically operate. And again
18 with those impacts you also see recreational impacts and
19 therefore economic impacts.

20 Also I do want to speak to -- and this is the
21 whole emphasis of your effort I think, but since no one
22 else is here I'm going to say it and highlight it.
23 Whatever comes out of coordinated biological opinion, the
24 RPAs can't contradict each other. We've got the Fish and
25 Wildlife Service Biological Opinion saying we need to

1 release all the water for snow for water quality issues.
2 And -- what's the word -- turbidity. And at the same time
3 we're supposed to hold the water back in Shasta for the
4 appropriate habitat for successful reproduction of some
5 audits. And it's a Catch-22. That somewhere there's got
6 to be a balancing act and some decisions made on that. If
7 we're going to push -- and some of this water is to push
8 the salmon through so they get out of the ocean. If we
9 focus on that, we don't have enough cold water, we won't
10 have to worry about pushing water to the ocean because
11 there's not going to be any.

12 These are things -- you know -- I'm just going to
13 say them on the record. Those are my issues.

14 SUE FRY: Thank you.

15 TRICIA BRATCHER: I had another question.
16 Probably a little over a year ago there was another public
17 meeting I went to, the one in Chico. It was quite wild.

18 Did you go to that one?

19 JEFF SUTTON: No, but I had someone tell me it's
20 the most frightened they've ever been at a public meeting.

21 TRICIA BRATCHER: Remember the girl with the
22 dreadlocks that went to the floor?

23 But long-term water transfer -- or actually short
24 term. But there was also long term --

25 LOUIS MOORE: That meeting, basically, they were

1 trying to introduce the idea that the primary focus was
2 for a willing seller -- willing buyer. That was the main
3 intent of the meeting. It was putting information out
4 there so people can consider if they had water that they
5 would be interested in selling, and if there was a buyer,
6 they would then negotiate the action because the transfer
7 of water would be through a state or federal facility.
8 That's where the agencies would be involved, but only for
9 that reason.

10 TRICIA BRATCHER: So it wasn't a scoping meeting?

11 JEFF SUTTON: It was part of the scoping -- it
12 was the initial meetings because of the scoping report.

13 SUE FRY: The scoping and it was long-term
14 transfers. It was a scoping meeting for the E -- whatever
15 they ended up doing -- the NEPA process.

16 JEFF SUTTON: Yeah, because the states were not
17 participating in that either.

18 TRICIA BRATCHER: The department, I believe we
19 submitted comments, but I was wondering where that fits
20 into all of this and where that is within the process.

21 GWEN BUCHHOLZ: But that would be -- as part of
22 NEPA we have to look at those other ongoing processes and
23 we have to make a decision. And when we look at the
24 baselines and future baselines with no action that becomes
25 cumulative and speculative in nature right now. So it's

1 something that's likely to be considered as the cumulative
2 process, but it still would be analyzed in a different
3 manner, more problematically, obviously, because there
4 aren't specifics. Unless there are specifics of long
5 terms, but I'm not aware of any that have gone through.

6 JEFF SUTTON: Well, it's not a long-term water
7 transfer, it's a long-term environmental document to allow
8 transfers so you don't have to redo the document.

9 GWEN BUCHHOLZ: And there's several other
10 documents like that, and we'll have to look at the
11 modeling when we get the modeling supply and look at the
12 potential opportunities on that process. But it also has
13 benefits and it has adverse impacts, too. So depending on
14 how you make the water available and how the water is used
15 and how you need it.

16 SUE FRY: So specific to where they are in that
17 process, we'll find out.

18 JEFF SUTTON: It's still in the process. I'm
19 somewhat staying abreast of that because actually we
20 looked -- we don't transfer water out as service water
21 contractors. The analysis of the impacts is the same
22 because like it transfers, we would be the buyer because
23 secretly the state didn't want to. We choose not to
24 participate, but we'll look at the document because it
25 impacts our animal life. But it is -- I talked to him

1 just the other day -- Russ. It's getting -- my
2 understanding is they're getting close to having --

3 GWEN BUCHHOLZ: And depending where it is and
4 we'll have to make a decision if it's a no-action
5 alternative.

6 TRICIA BRATCHER: And somewhat on a similar vein
7 I participate on the Shasta Lake Water Resource
8 Investigation and the new projected debt date for the EIS
9 is 2014. So will that be included --

10 GWEN BUCHHOLZ: That would be included. Both
11 that and San Joaquin keynotes of impact at this point in
12 time because without final EIS they're speculative in
13 nature. But again, that's going to have more details in
14 that part of the cumulative analysis because of the
15 documentation that's being done for those processes.

16 TRICIA BRATCHER: So how do you work out -- how
17 do you kind of work out the cumulative effects like that
18 because Shasta Lake will use the 2009 -- what's it
19 called -- long-term ops. We'll use those RPAs and, you
20 know, terms of the flow recommendations to do their
21 modeling. So are those the kind of flows that are in
22 question here?

23 GWEN BUCHHOLZ: That's going to all be on the
24 table to try to make those decisions of what's in
25 baseline, what's an alternative, what's in action of

1 baseline, what would be an existing baseline, what would
2 be --

3 SUE FRY: We haven't gotten that far yet.

4 JEFF SUTTON: It's such a good question, though.

5 GWEN BUCHHOLZ: It's a good question. And we
6 have that question. And if you have ideas, those are the
7 things we want in writing, especially from the Fish and
8 Game's perspective.

9 JEFF SUTTON: I didn't mean for any of this to be
10 on the record, I was just chatting.

11 GWEN BUCHHOLZ: We can close the record.

12 (Thereupon discussions were held off the record.)

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